IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR BILAL NAZKI,

THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 10539 of 2004

Between:

P. Prakash Reddy Seetaram Reddy
Huzurabad, Karimnagar District.

..... PETITIONER

AND

1 The High Coaurt of A.P., Hyderabad rep. by The

Registrar (Administration).
2 The District & Sessions Judge, Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or order or direction, especially one in the nature of writ of Mandamus: i) declaring the impugned

order No. DIS.No. 3178/PR.46/99/ADM/DCK Dt. 10.4.2003, issued by second Respondent and consequential Order ROC. No. 113/2003/CII-1 dt. 20.1.2004, issued by the first respondent, as illegal arbitrary and set aside the same and ii) Consequently direct the respondents to refund all the incremental benefits, stopped by virtue of the above impugned order Dis.No. 3178/P.R.46/99/ADM/DCKdt. 20.1.2004, duly granting all other consequential benefits.

Counsel for the Petitioner:MR.K.VASUDEVA REDDY

Counsel for the Respondent Nos.1 & 2: MR.C.V.NAGARJUNA REDDY

The Court made the following :

O R D E R (Per Hon’ble Mr Bilal Nazki, the Acting Chief Justice)

Heard the learned counsel for the parties.

Charge was framed against the petitioner in the following terms:

> "That the said Sri P.Prakash Reddy, L.D. Clerk, Addl. JMFC Court, Karimnagar while functioning as Civil Bench Clerk in Munsif Magistrate's court, Huzurabad during the period from 18.2.1985 to 16.2.1998 as L.D. Clerk failed in his duty to place before the Presiding Officer of the Court the record in O.S.No.1743 of 1986 for further steps, wherein, decree dated 7.5.1986 passed against D1, D2 was set aside as per orders in IA.No.2057/86 dated 15.11.1993; and on the other hand, he consigned the record to record section on 17.8.1994 and never tried to place the suit record even till the memo was filed by plaintiff on 17.11.1997 and thereby he is guilty of gross negligence, dereliction in the discharge of his duties and misconduct and is liable for punishment under Rule – 9 read with Rule – 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991."

Part of the charge was not proved and another part of the charge that petitioner had consigned the file to the records without obtaining the orders from the Presiding Officer, was proved. Therefore, a minor punishment of withholding of one increment was awarded. We do not find any illegality in the order passed and as such the writ petition is devoid of any merit and is dismissed. No costs.

BILAL NAZKI, HACJ

G.CHANDRAIAH,J

AVS

DATE:07.06.2005

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The High Coaurt of A.P., Hyderabad rep. by The

Registrar (Administration).
2 The District & Sessions Judge, Karimnagar.

3. 2 C.D. copies.

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